

GIM INTERNATIONAL INTERVIEWS KEITH BELL, TASK MANAGER, WORLD BANK

Security of Land Tenure Key

The work of the World Bank focuses on achievement of the Millennium Development Goals that call for the elimination of poverty and sustained development. This month's interviewee is responsible in the Bank for task managing land-administration projects throughout the East Asia Region. His contributions to the international community of surveyors are always highly appreciated thanks to his realistic views and opinions in relation to land-administration systems in developing countries. GIM International interviewed him.

World Bank (WB) has for decades been very much engaged in the development of land administration. What needs to be achieved in these projects, and what is required to gain support for them?

Yes, WB has been directly engaged in supporting the land sub-sector for more than thirty years. This work concerns support for policy development, including analytical and advisory research and investment lending for development and reconstruction. The World Bank is currently supporting international land-administration projects with a total value of more than US \$1.1 billion and varying emphases on tenure security, social equity, economic development, governance, service delivery and NSDI. Governments of sovereign nations invite WB to provide support and the institution is well positioned and experienced in working with the highest levels of government. Indeed, this is where so much WB analytical and advisory assistance is so effective and why it is in such great demand.

What characterises a WB supported project and what are its components?

Each project is designed in response to the request of the respective government(s) and prepared cognisant of the intrinsic economic, social, political, environmental, institutional, legal, fiduciary, capacity and geographical characteristics of the country. This is why WB works closely with respective governments to thoroughly prepare a project. During the implementation phase WB continues to work with the government and provide advisory and technical support. Upon completion of a project WB assesses the achievements of implementation, including lessons learnt. The input of government and any development partners and other stakeholders are very important. So, broadly speaking, lending projects may involve legal, regulatory and policy reform, institutional reform, systematic land registration (first time titling), support for on-demand titling and development of subsequent land transactions, land valuation, improved service delivery for land agencies, and capacity building for government, private sector and academe.

So this is a very comprehensive approach?

Indeed. The initial WB supported projects that commenced in the early 1980s were primarily focused on first-time registration of property rights; limited support was provided for legal or institutional reform. Over the next fifteen years new projects, in addition to support for first-time registration, gave greater emphasis to supporting the streamlining of laws and regulations, establishing institutional reform generally premised on the need for a single land-administration agency in government and capacity building. A third generation of projects, commencing around 2000, more explicitly dealt with issues of corruption and accountability, some projects including anti-corruption plans, good-governance monitoring and internal audit functions (Table 1). A major driver for countries seeking to reform land-administration systems is to ensure that comprehensive and complete inventories of land are available to support decision-making. The lack of accessible and complete data continues to form a major impediment to the public administration of land. The experience thus far is that production of standard, consistent datasets to which all parties have access provides a uniform basis for spatial decision-making and monitoring of such decisions.

Generation	Scope
1 st	1. First registration.
(1980-1995)	2. Capacity building in government.
	3. Limited reform.

2 nd (1995-2000)	1. First registration. 2. Streamlining laws. 3. Institutional reform. 4. Capacity building in government and private sector. 5. Valuation and tax. 6. Service delivery.
3 rd (2000-2006)	1. Expansion of 1 st and 2 nd -generation activities 2. Wider policy reform. 3. State land management. 4. Land Use Planning and development. 5. Good governance.
4 th (2006-present)	1. Implementation of some areas of 1 st , 2 nd and 3 rd -generation projects. 2. NSDI. 3. Further enhancements of good governance and civil-service reforms.

Table 1, Evolution of LAM Projects supported by World Bank.

What is the relevance of good land policies?

Without a solid foundation for land policy no land reform will be sustainable. Land policy is directly related to the broader concepts of land tenure and property rights. Land is perhaps the "ultimate" resource. Land policy is a complex and long-term issue. There is no absolute template for land policy, and every country has its own unique social, economic, political, environmental, historical, ethnic, cultural, religious and other idiosyncrasies. In post-conflict countries, security of tenure and access to land are major factors in providing long-term stability. The first and thus far only policy document on land produced by WB and formally approved by the WB Board was the 1975 "Land Reform Policy Paper", which is now quite outdated. To respond to demands by policymakers and staff for guidance WB in 2003 produced a Policy Research Report on "Land Policies for Growth and Poverty Reduction". I recently reviewed a very neat publication prepared by DiFID only this year, entitled "Land: Better access and secure rights for poor people". I would encourage people to read this. It is accessible on the DiFID website.

What are we talking about in terms of actual money? How many projects are running at this moment?

Table 2 displays total WB lending for land administration by fiscal year (FY) and region. It highlights a significant, though regionally highly uneven, increase in total lending, the total amount of lending under supervision currently standing at \$1.1 billion compared to \$760 million in FY95-00, and only \$172 million before FY95. However, regional distribution is not uniform. Two regions, Europe and Central Asia Region (ECA) and Latin America and Caribbean Region (LAC) make up almost 90% of the size of the portfolio, followed by East Asia and Pacific Region (EAP). There is virtually no lending in Africa (AFR), South Asia Region (SAR), and Middle East North Africa Region (MNA). One of the key reasons for such a vast discrepancy is that the background work needed to underpin land-administration projects in the MNA has really only just begun. Given the importance of land policy for a wide range of situations, plus a WB shift away from project-towards policy-based lending, it is not surprising to find an increasing number of projects with land-policy or administration components.

Region	Under supervision	FY01-FY06	FY95-FY00	Before FY95
AFR	48	48	46	
EAP	124	129	219	30
ECA	451	426	109	80
LAC	447	430	386	29
MNA				33
SAR	5	5		
Total	1,074	1,037	760	172

Table 2, Lending for dedicated land-administration projects (US million).

Source: World Bank Lending Database, 2006.

The huge amount of money involved requires good management skills, and in many countries these are not available. How do you create a management environment that allows working in a transparent (non-corrupt) way?

Indeed, WB places significant emphasis on good project management, financial management and procurement. We work with the implementing agencies to assist in developing capacity in these areas to enable projects to be implemented successfully. Anti-corruption or good-governance plans are now also a requirement for many projects. For the East Asia Region, the Indonesian Land Management and Policy Development Project was in 2004 the first to include a detailed anti-corruption plan in its design. Other examples include the Good Governance and Transparency Framework that is a requirement of the Cambodian Land Management and Administration Project. Projects are required to submit regular financial monitoring and project-management reports. It is required that they be audited annually by an accredited independent auditor. WB also reviews to ensure that procurement has been conducted in accordance with WB Guidelines. Personally, I try to maximise my time in the field, working with governments to improve implementation.

During a conference in Cambridge this year there was discussion concerning the contribution of the surveyor. Are these professionals actively supporting, or just protecting their business?

I saw some feedback on the Cambridge conference. It is fair to say that this is largely a conference of national mapping organisations rather than land-administration agencies. The issue of surveyors protecting "turf" has been around for a long time. In many countries land surveying is seen as being of such importance that it is regulated. Why is it regulated? Simply put, the determinations of a land surveyor affect not only his client but also those of abutting property owners and hence the broader community. Unfortunately, in many jurisdictions there has been a degree of turf protection for land surveyors, and this becomes a blockage; for example, accuracy requirements, especially for rural lands. Too often I hear of the need to chase millimetres in low-value, rural lands. Other professional groups such as lawyers, estate agents or property brokers and valuers may also attract criticism for protecting their respective business. In more recent times we have actually seen groups of spatial information professionals emerging within governments, trying to control a piece of the turf by advocating very seductive arguments about the omnipotence of land or spatial information. The technology is exciting and powerful and politicians and senior bureaucrats are often easily swayed. But the rule of law and the rights of people, and indeed overall good governance, are much more important. These broader social and legal issues may often not be adequately addressed by spatial-information professionals, who tend to be more focused on the technology. Decisions and determinations on land ownership are more importantly based on evidence. The work of the land surveyor in the field involves reviewing the evidence as well as making measurements. So we should most definitely keep an eye on this issue.

What are the challenges?

To ensure success, respect for existing property rights, access to non-land assets, working capital, output and credit markets for beneficiaries, and a conducive policy environment, are essential. Attention needs to be paid to the fiscal viability of land-reform efforts. WB is exploring ways to use market-based mechanisms for transferring land to poor beneficiaries and to deal with the legacy of aborted or only partially successful land reforms, e.g. by eliminating overlapping property rights, in a number of countries. One challenge lies in the lack of capacity in land administration and public administration in general. Developing private-sector capacity should be viewed in a broader context than just [land surveying](#). WB realises that one reason for the land-administration system to perform less than satisfactorily is unjustified government monopolies (e.g. in surveying) that may promote "rent seeking" and lower the quality of service provision. Many historical and contemporary conflicts have their roots in struggles over land. This suggests a special role for land policy in many post-conflict settings. An ability to deal with land claims by women and refugees, to use land as part of a strategy for providing economic opportunities for demobilised soldiers, and legitimately resolve conflicts and overlapping claims to land will greatly increase the scope for post-conflict reconciliation and speedy recovery of the productive sector. This is key to subsequent economic growth. Failure to put in place the necessary mechanisms may keep conflicts simmering, either openly or beneath the surface. The costs in economic and social terms here are high, especially because as time goes by subsequent transactions will lead to multiplication of the number of conflicts, possibly resulting in generalised insecurity of land tenure.

Is there specific attention given to vulnerable groups within societies? And in a region like South East Asia there are many customary rights; how can we manage the proper inclusion of these within operational systems?

This is a very important question. Safeguarding vulnerable groups, including customary rights, is therefore paramount in the design of every project. It is a condition of WB support that appropriate arrangements are established, and throughout implementation WB continues to monitor compliance. In terms of customary rights to land every country is uniquely different. By way of example, many know I worked full-time in Indonesia for about eighteen months, leading WB support for the land sector in the reconstruction of Aceh after the devastating tsunami of 26th December 2004 and the subsequent catastrophic earthquakes. Through the Reconstruction of Aceh Land Administration System project we supported community-led processes to undertake community land mapping which provided the necessary evidence to enable official surveying and titling to proceed. Central to our support was protecting the rights of vulnerable societal groups. Many

challenges confronted the provision of security of tenure, including complex Indonesian laws, Syariah law and adat (customary) land, land speculation. Other challenges were posed by evictions from land, protection of the rights of widows and orphans, land requirements for demobilised separatist combatants, relocation of communities whose land was submerged or had become uninhabitable, land consolidation, reallocation and spatial planning, and good governance. The protection of land and property rights is seen as fundamental for long-term reconstruction efforts and peace.

Do you have any further remarks?

For land administration WB has established formal relations with a range of organisations including UN FAO, UN Habitat International Land Coalition (ILC), Millennium Challenge Corporation and, most recently, the International Federation Of Surveyors (FIG). Mutual benefits accrue through establishing such relationships, and the most effective use can be made of the comparative advantages of the respective organisations under an umbrella of harmonisation. In November 2008 WB and FIG are to jointly convene an international summit in Washington DC on land administration and achieving the Millennium Development Goals. Invited speakers from across the globe will contribute to what promises to be a very significant milestone in land-administration international development. I would say that this is an excellent opportunity to visit the WB and participate.

World Bank (WB)

Conceived in 1944, the World Bank initially helped rebuild Europe after the second world war. Today WB is bigger, broader and far more complex, and has become a Group encompassing five closely associated development institutions of which 185 countries are members. Based in Washington DC and employing a total of about ten thousand personnel, WB is structured both regionally and in sectors, some 40% of its staff being based in country offices. The work focuses on achievement of Millennium Development Goals calling for elimination of poverty and sustainable development. The mission is to help developing countries and their peoples reach these goals by working with WB partners to alleviate poverty. To achieve this WB concentrates on building the climate for investment, jobs and sustainable growth to help economies grow. It does so by investing in and empowering poor people. Security of land tenure is an extremely key element in WB work towards reducing poverty. Last year WB provided \$23.6 billion for 279 projects in developing countries all over the world.

<https://www.gim-international.com/content/article/security-of-land-tenure-key>
